



ORDINANCE NO. 2006-07

AN ORDINANCE PROHIBITING SMOKING IN CITY-OWNED BUILDINGS, STRUCTURES OR OPEN RECREATIONAL AREAS
EXCEPT IN CERTAIN DESIGNATED AREAS

WHEREAS, Studies by the Surgeon General of the United States, the National Academy of Sciences and other health organizations have concluded that passive exposure (second hand smoke) or involuntary smoking is a cause of a variety of negative health conditions in nonsmokers, including but not limited to lung cancer; and

WHEREAS, The possession of lighted or burning smoking materials in public places is a nuisance and is hazardous to the public health, safety, comfort, convenience and indoor environment; and

WHEREAS, The separation of smokers and non-smokers may reduce the exposure of non-smokers to environmental tobacco smoke; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Fort Payne, Alabama as follows:

SECTION 1. That *Ordinance No. 97-11* adopted by the Mayor and City Council on March 18, 1997, be and hereby is repealed in its entirety.

SECTION 2.

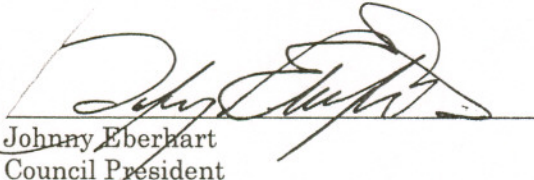
- A. It shall be unlawful for any person to possess, smoke, hold or carry any lighted smoking material of any form, including but not limited to, cigarettes, cigars, pipes or other smoking material within any building or structure which is owned by the City of Fort Payne, Alabama or any agency or board thereof, or under the jurisdiction and control of the City, except in specific areas designated by the Mayor of the City of Fort Payne.
- B. Further, this ordinance shall also prohibit smoking in open areas including any parks and other areas designated as recreational areas, including but not limited to, soccer fields, football fields, softball fields, baseball fields, skate parks, outdoor basketball courts, walking tracks, running tracks, playground areas or other areas where minor children may be participating in or otherwise present for sporting or other related park activities, except in specific areas designated by the Recreation Director of the City of Fort Payne.
- C. Any person who willfully smokes in an area where smoking is prohibited as provided by the ordinance shall be guilty of an "offense" against the City of Fort Payne, Alabama, and shall be subject to punishment by the Municipal Court of the City of Fort Payne, Alabama, by a fine of not less than \$25.00 nor more than \$500.00 for each such offense.
- D. Nothing in this ordinance shall be construed to permit smoking in an area where it is otherwise prohibited by law or regulation.
- E. If any portion of this ordinance shall be held unconstitutional, invalid or unenforceable, such holding shall not effect the remaining portions or render the remaining portions invalid, and to that end the provisions hereof are declared to be severable.

SECTION 3. This ordinance shall become effective on its passage and publication.

DONE this the 18th day of April, 2006.

FORT PAYNE BY:

ATTEST:


 Johnny Eberhart
 Council President


 James C. McGee, CMCMCA
 City Clerk

[Seal]

TRANSMITTED TO THE MAYOR of the City of Fort Payne on the 18th day of April, 2006.


 James C. McGee, CMCMCA
 City Clerk

APPROVED:

ATTEST:


 William H. Jordan
 Mayor


 James C. McGee, CMCMCA
 City Clerk

Date of Mayor's approval: April 19, 2006